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Attorneys for Plaintiffs, JANE ROE 1 through
JANE ROE 1,000

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

JANE ROE 1, an individual, and all additional JANE ROE plaintiffs, through and including JANE ROE 1,000, an individual, inclusive.

1) Case No

{ COMPLAINT

3. (MASS TORT)

1

LYFT, INC., and DOES 1 through 100,
Inclusive

Defendants

Plaintiffs JANE ROE 1 through JANE ROE 1,000, inclusive, jointly and severally, allege the following against defendant LYFT, INC. and DOES 1 through 100, inclusive.

PARTIES AND JURISDICTION

1. The acts and omissions alleged in this complaint occurred within the State of California.
2. Plaintiff JANE ROE 1 is an adult and a resident of Fresno, California.

1 3. Plaintiff JANE ROE 2 is an adult and a resident of Cypress, California.
2 4. Plaintiff JANE ROE 3 is an adult and a resident of West Hollywood, California.
3 5. Plaintiff JANE ROE 4 is an adult and a resident of North Charleston, North Carolina.
4 6. Plaintiff JANE ROE 5 is an adult and a resident of Charlotte, North Carolina.
5 7. Plaintiff JANE ROE 6 is an adult and a resident of Las Vegas, Nevada.
6 8. Plaintiff JANE ROE 7 is an adult and a resident of Salt Lake City, Utah.
7 9. Plaintiff JANE ROE 8 is an adult and a resident of Jacksonville, North Carolina.
8 10. Plaintiff JANE ROE 9 is an adult and a resident of Marlborough, Massachusetts.
9 11. Plaintiff JANE ROE 10 is an adult and a resident of Tuscaloosa, Alabama.
10 12. Plaintiff JANE ROE 11 is an adult and a resident of Palo Alto, California.
11 13. Plaintiff JANE ROE 12 is an adult and a resident of Elyria, Ohio.
12 14. Plaintiff JANE ROE 13 is an adult and a resident of Bellwood, Illinois.
13 15. Plaintiff JANE ROE 14 is an adult and a resident of Chicago, Illinois.
14 16. Plaintiffs JANE ROE 15 through JANE ROE 1,000, each and all, are adults and are
15 residents of the places that may hereafter be alleged by way of amendment to this complaint.

16 17. At all times relevant to this complaint, defendant LYFT, INC. (referred to in this
17 complaint as "LYFT") was a corporation organized under the laws of Delaware with its principal place
18 of business located at 185 Berry Street, Suite 5000, in the City and County of San Francisco, State of
19 California. At all times relevant to this complaint, LYFT was conducting business in the City and
20 County of San Francisco, State of California, and in all other places mentioned in this complaint, both
21 as initially pleaded and as may be pleaded by way of amendment, including, but not limited to, Fresno,
22 California; Los Angeles, California; Cypress, California; West Hollywood, California; North
23 Charleston, South Carolina; Charleston, South Carolina; Charlotte, North Carolina; Las Vegas,
24 Nevada; Salt Lake City, Utah; Jacksonville, North Carolina; Marlborough, Massachusetts; Tuscaloosa,
25 Alabama; Palo Alto, California; Elyria, Ohio; Wilmington, North Carolina; Bellwood, Illinois; and
26 Chicago, Illinois.

27 18. Plaintiffs do not know the true names and capacities of defendants sued herein as DOES
28 1 through 100, inclusive, and, in accordance with California Code of Civil Procedure Section 474,

1 plaintiffs therefore sue these defendants by the fictitious names of DOES 1 through 100, inclusive.
2 Plaintiffs will seek leave to amend this complaint to set forth the true names and capacities of the
3 fictitiously-named defendants when their true identities and capacities become known to plaintiffs.

4 19. DOES 1 through 100, inclusive, are responsible in some manner—either by act or
5 omission, strict liability, fraud, negligence or otherwise—for the events and happenings alleged in this
6 complaint and thereby caused harm to plaintiffs, and each of them.

7 20. At all relevant times, each defendant—including DOES 1 through 100, inclusive—was
8 the agent, servant, representative, partner or employee of each of the co-defendants, and, in doing the
9 things alleged in this complaint, was acting within the course and scope of their authority as such
10 agent, servant, representative, partner or employee of each of co-defendant.

11 21. Wherever this complaint refers to “defendants,” such reference shall mean and include
12 each expressly named defendant and all DOE defendants.

13 22. This Court has jurisdiction over this action pursuant to Article 6, section 10 of the
14 California Constitution and section 410.10 of the Code of Civil Procedure. The amount in controversy
15 exceeds the jurisdictional limit of \$25,000.

16 23. This Court has personal jurisdiction over Defendants, each of which is licensed to
17 conduct and is systematically and continuously conducting business in the State of California.

18 24. Venue is proper in this judicial district pursuant to Code of Civil Procedure section
19 395.5. Defendants transact business in this County, and the conduct complained of occurred in this
20 County.

21 **FACTUAL ALLEGATIONS**

22 25. Defendant LYFT and DOES 1 through 100 offer a ridesharing service, similar to a taxi
23 service. LYFT is a transportation company headquartered in San Francisco, California and is one of
24 the fastest growing companies in the United States. LYFT is a Transportation Network Company as
25 defined by California Public Utilities Code Section 5431c.

26 26. At least as early as 2015, LYFT became aware that LYFT drivers were sexually
27 assaulting and raping female customers. Since 2015, sexual predators driving for LYFT have
28 continued to assault and rape LYFT’s female passengers. For four years, LYFT has known of the

1 ongoing sexual assaults and rapes by LYFT drivers upon LYFT customers. Complaints to LYFT by
2 female customers who have been attacked by LYFT drivers, combined with subsequent criminal
3 investigations by law enforcement, clearly establish that LYFT has been fully aware of these
4 continuing attacks by sexual predators driving for LYFT.

5 27. LYFT's response to this sexual predator crisis amongst LYFT drivers has been
6 appallingly inadequate. LYFT continues to hire drivers without performing adequate background
7 checks. LYFT continues to allow culpable drivers who have complaints of rape and sexual assault
8 lodged against them to keep driving for LYFT. And, most importantly, LYFT has failed to adopt and
9 implement reasonable driver monitoring procedures designed to protect the safety of its passengers. As
10 a consequence, LYFT passengers continue to be victims of sexual assaults and rapes by LYFT drivers.

11 28. Unfortunately, there have been many sexual assaults much worse than the ones suffered
12 by plaintiffs as alleged herein, where victims have been attacked and traumatized after they simply
13 contracted with LYFT for a safe ride home.

14 29. To utilize the service, a LYFT customer uses a smartphone application (hereinafter the
15 "LYFT Ridesharing App" or "LYFT App") to request a ride in a motor vehicle. The LYFT App
16 communicates with a LYFT driver who then picks up the customer in a vehicle that is identified as a
17 LYFT vehicle and drives the customer to the customer's destination. Passengers pay LYFT a fee in
18 exchange for safe passage to their destination. LYFT's public representations state that "safety is our
19 top priority" and "it is our goal to make every ride safe, comfortable and reliable." Sadly, LYFT's
20 priority is not passenger safety. Profits are LYFT's priority. Lyft could make a few simple changes to
21 the LYFT Ridesharing App to vastly increase passenger safety, but unfortunately, LYFT has chosen to
22 not do so. As a result, the plaintiffs in this complaint, and other female passengers, continue to be
23 attacked by sexual predators and have their lives irrevocably altered by the assailants driving for
24 LYFT.

25 30. LYFT is also aware that sexual assaults are not limited to LYFT passengers. LYFT is
26 aware of the multitude of LYFT drivers that have reported being assaulted while driving for LYFT.
27 LYFT is also aware that many LYFT drivers have installed cameras in their vehicles, at their own
28 expense, to protect them from the incidence of sexual assault.

1 31. LYFT understands that reports of rape and sexual assault by its drivers is not good for
2 its business. Instead of taking a few basic and simple measures to prevent rapes and sexual assault of
3 their passengers, LYFT has chosen to hide and conceal from the United States public the staggering
4 number of reported rapes and sexual assaults that occur within their vehicles. LYFT has made a
5 concerted effort in the media, in litigation and in criminal cases to hide and conceal the true extent of
6 sexual assaults that occur in their vehicles.

7 32. Plaintiffs' counsel represents multiple women that have been sexually assaulted by
8 LYFT drivers. Despite attempting to obtain records regarding the number of reported rapes and
9 assaults that have been reported to LYFT, LYFT has attempted to conceal and block the release and
10 disclosure of any records regarding the number of reported rape and sexual assaults of LYFT
11 passengers.

12 33. Based on information and belief, there were close to 100 reports of LYFT drivers
13 sexually assaulting passengers over a one year period in only one state out of the 50 states in the
14 United States. These reports occurred prior to May of 2016 when LYFT was a much smaller company
15 with far fewer drivers. Since sexual assault/rape is the most under-reported crime, the actual number of
16 sexual assaults of passengers by drivers is about three times this number. Further LYFT has grown in
17 size since 2016, so this problem is likely growing worse by the day.

18 34. LYFT corporate management has failed to implement the most basic and rudimentary
19 procedures for the proper investigation of sexual assaults that are reported in their vehicles.

20 35. LYFT has continued to let sexual predators drive and interact with vulnerable members
21 of the public after they have received reports of sexual assaults by these predatory drivers. In many
22 cases, LYFT has allowed sexual predators and assailants to continue driving after LYFT learned of the
23 assaults committed by those drivers.

24 36. Corporate decision-making with respect to passenger safety issues is centered at LYFT's
25 corporate headquarters in San Francisco. Corporate decision-making with respect to policies and
26 procedures for training and supervising drivers regarding sexual assault are centered at LYFT's
27 corporate headquarters in San Francisco. Corporate decision-making with respect to how LYFT
28 responds to complaints of sexual assault is centered at LYFT's corporate headquarters in San

1 Francisco. Corporate decision-making with respect to how LYFT's chooses to stonewall and fail to
2 cooperate with law enforcement investigating assaults of their drivers is centered at LYFT's corporate
3 headquarters in San Francisco. Decisions with respect to the vetting of LYFT drivers and the
4 supervision and non-supervision of LYFT drivers *vis a vis* the safety of its passengers are made and
5 implemented in its San Francisco headquarters. Corporate decision-making with respect to LYFT's
6 decision not to report assaults that they are aware of to law enforcement and other ride sharing
7 companies that employ the assailants is centered at LYFT's corporate headquarters in San Francisco.
8 Decisions with respect to the design of the LYFT App and implementation of changes with the LYFT
9 App that effect passenger safety are made and implemented in its San Francisco headquarters.
10 Corporate decision-making with respect to LYFT's policies and procedures to allow reported sexual
11 predators to continue to drive for LYFT is centered at LYFT's corporate headquarters in San Francisco.
12 Decisions regarding LYFT's contract with LYFT customers specifies that the agreement should be
13 governed by California law.

14 **INADEQUATE SAFETY PRECAUTIONS AND INADEQUATE SCREENING**

15 37. The hiring of LYFT drivers occurs without any real screening. Potential drivers merely
16 fill out a form online. There is no interview either in person or through a video call, i.e. Skype or
17 FaceTime. There is no adequate background check and no biometric fingerprinting. Almost all online
18 applicants become drivers. Once a LYFT applicant becomes a driver, LYFT fails to utilize its own
19 technology, including in car cameras and GPS tracking, to ensure that drivers keep the camera running
20 during the entire ride and that the driver remains on course to the passenger's destination.

21 38. LYFT does not have a zero-tolerance policy for sexual misconduct and has allowed
22 drivers who have been reported to have committed rape and sexual assault to continue driving.

23 39. LYFT does not require non-harassment training. LYFT does not adequately investigate
24 customer complaints of sexually inappropriate behavior or serious sexual assaults. Shockingly, a
25 chatroom of rideshare drivers exists where they openly discuss and brag about the access that they
26 have to women passengers. Notwithstanding LYFT's history of hiring sexual predators who have
27 assaulted LYFT passengers, and notwithstanding the obvious and open subculture of LYFT drivers
28 who harbor a sexual motivation for driving female passengers, LYFT does nothing to warn its female

1 passengers about this very serious and real danger.

2 **LYFT'S FINANCIAL MODEL**

3 40. The key to LYFT's business model is getting as many new LYFT drivers on the road as
4 possible. The more LYFT drivers and LYFT rides equals more money LYFT makes. Unfortunately,
5 more careful screening and supervision would result in fewer drivers and lower profits.

6 41. LYFT also has a high turnover among its drivers because they are not well paid and
7 often move on to other jobs. As a result, and in order to keep the number of drivers on the road at a
8 maximum level, LYFT's business model is designed to accept as many new drivers as possible and to
9 keep as many existing drivers working for LYFT as possible. Unfortunately, LYFT prioritizes profits
10 over passenger safety. That is why LYFT corporate management has made deliberate decisions to
11 adopt inadequate initial screening procedures, inadequate safety monitoring, and has failed to warn
12 customers of the dangers of riding with LYFT.

13 **LYFT'S CONTROL OVER ITS DRIVERS**

14 42. LYFT exercises significant control over its drivers. LYFT executives set all of the fare
15 rates. Drivers have no input on the fares charged and no ability to negotiate fares with customers. Fees
16 are standardized based on mileage and or ride time, similar to taxis.

17 43. LYFT collects a percentage fee for every ride. LYFT does not charge drivers a fee to
18 become a LYFT driver and LYFT does not charge drivers to use the LYFT App.

19 44. LYFT drivers are prohibited from answering passenger inquiries about booking rides
20 outside of the LYFT App.

21 45. LYFT has the power to terminate drivers with or without cause.

22 46. LYFT drivers are expected to accept all ride requests while they are logged into the
23 App. Drivers who reject or cancel too many ride requests risk facing discipline, including suspension
24 or termination.

25 47. LYFT provides its drivers with and requires them to use and display LYFT branding
26 materials in order to make their drivers easily identifiable as LYFT drivers.

27 48. LYFT also allows for passengers to provide comments to LYFT regarding their
28 experience with the LYFT driver. These comments are not shared with other passengers. Passengers

1 are not provided with any information regarding their driver other than a photograph, and other basic
2 information about the car. Passengers are not informed about prior complaints concerning particular
3 drivers.

4 49. Within the App, LYFT does not tell passengers whether their comments regarding
5 drivers are shared with drivers, resulting in a ride share culture where passengers are fearful that giving
6 honest negative feedback could negatively impact their passenger star rating or result in retaliation
7 from the driver.

8 **NO MONITORING OF RIDES**

9 50. Given LYFT's knowledge of the sexual assaults and rapes of its customers by LYFT drivers,
10 the company should have implemented a monitoring system in order to protect its passengers. LYFT
11 understands that many assaults occur when drivers deviate from their route and turn off the ride and App before
12 the passenger destination is reached. LYFT also knows that assaults are much less likely to occur if drivers
13 understand they are being recorded or watched. As a transportation and technology company with access to a
14 state-of-the-art in-app tracking system, as well as a camera within the required mobile device, LYFT could
15 take the following simple steps towards the elimination of the sexual assaults and protecting their
16 passengers:

17 • Adopt a zero-tolerance policy for improper conduct and inform all drivers of the policy;
18 • Implement a surveillance camera within the App that can audio and video record all
19 rides and have footage saved and accessible for up to 72 hours after each ride. Implement rules
20 requiring drivers to have this system on at all times while in their vehicles.

21 • Inform all drivers that if they turn off the surveillance system during a LYFT ride, they
22 will never drive for LYFT again;

23 • Inform drivers that they may not leave the car and accompany a passenger to their home
24 or to any other location outside the vehicle, other than to provide temporary and time-limited
25 assistance to a passenger;

26 • Modify the functionality of the app so that LYFT can determine immediately if a driver
27 deviates from these protocols;

28 • When a driver goes off course or ends a ride before the destination, a warning alert is

1 sent to the driver that their location has been mapped and that they should report the reason for the
2 deviation;

3 • When a driver goes off course or ends a ride before the destination, a message should be sent to
4 the passenger checking in on them.

5 51. The ongoing sexual attacks by LYFT drivers are and have long been known to LYFT.

6 Prior to the assaults on the plaintiffs alleged herein, LYFT has known that a consequence of its
7 business model has been exposing women, who are using the business for a safe ride home, to drivers
8 that may take advantage of their vulnerable position. Despite being a company that holds itself out to
9 the public as being engaged in the safe transportation of its customers from place to place for
10 compensation, LYFT has failed to take any reasonable precautions to attempt to prevent harm to its
11 passengers.

12 52. At the time of the actions alleged in this complaint LYFT was aware of the established
13 occurrence of sexual assault of its female passengers by its drivers but failed to take any reasonable
14 action to protect its passengers from these assaults and violations.

15 **MISREPRESENTATIONS AS TO SAFETY**

16 53. In addition to inadequate background check procedures, LYFT affirmatively induces
17 passengers, particularly young, unaccompanied, intoxicated, and/or vulnerable women, to use its
18 services with the expectation of safety, while LYFT simultaneously knows that sexual abuse of its
19 passengers has been prevalent.

20 54. In February 2015, LYFT's website posted a blog post announcing it had partnered with
21 *It's On Us*, an anti-sexual assault initiative, and offered free ride credits for new Lyft passengers during
22 the Spring Break season, "making it easier to get a safe ride home even if you're in a new city." In
23 November 2016, LYFT's website posted a blog post entitled "Get Home Safely with Lyft," again
24 touting its partnership with *It's On Us* and offering college students free LYFT rides so that they "don't
25 need to worry about finding a safe ride after going out." The insinuation of these articles is that LYFT
26 prevents, and does not create, the risk of sexual assault. Nowhere on LYFT's website does LYFT
27 discuss the occurrence or risk of sexual assault by LYFT's drivers. As a result, many women, like
28

1 Plaintiffs, enter LYFT cars unaccompanied and often after drinking with the expectation that they will
2 not be harassed, propositioned, kidnapped, attacked, stalked, raped or worse by LYFT's drivers.

3 55. Further, LYFT does not report statistics about sexual harassment or sexual assault by its
4 drivers. LYFT does not disclose its policies or procedures on dealing with sexual assault by its drivers.
5 LYFT does not properly train its customer service representatives on how to deal with serious
6 allegations of driver misconduct. As a result, passengers who report sexual abuse by a driver have been
7 later matched with the same driver, and dangerous drivers continue to drive with LYFT and continue
8 to assault passengers while LYFT profits from their actions. At the time of the attacks on the plaintiffs
9 as alleged herein, LYFT's guidelines for their drivers made no mention of sexual harassment or assault
10 guidelines.

11 56. In short, LYFT fails to follow reasonable safety procedures and intentionally induces
12 customers to use LYFT's services while in a vulnerable state. As a result, plaintiffs, and women like
13 them are sexually harassed and sexually assaulted by LYFT's drivers. Additionally, LYFT does not
14 inform UBER or other transportation networking companies when they suspend/terminate a driver,
15 thereby allowing drivers to seamlessly shift from the LYFT App to the UBER App without any
16 repercussions.

17 **LYFT'S BACKGROUND CHECKS**

18 57. LYFT relies on a quick, name-based background check process to screen its applicant
19 drivers and has continuously refused to adopt an industry-standard, fingerprint-based background
20 check qualification process.

21 58. LYFT's background check process requires drivers to submit personal identifiers
22 (driver license number and Social Security Number) through an online webpage. LYFT, in turn,
23 provides this information to third-party vendors to perform a basic, name-based background check.

24 59. Neither LYFT nor the third-party vendors it uses for background checks verifies that the
25 information provided by applicants is accurate or complete. The turnaround time for a LYFT
26 background check is typically between 3-5 days.

27 60. The difference between name-based background checks and fingerprint-based
28 background checks is significant. While a name-based background check searches the applicant's

1 reported name against various databases and compares records that have the same name, a fingerprint-
2 based background check (or biometric check) uses the fingerprints of the individual to match against a
3 law enforcement database, comparing records that have the same print, even if the names are different.

4 61. For example, most prospective taxi drivers are required by the taxicab companies to
5 undergo criminal background checks that require the driver to submit fingerprints through a
6 technology called "Live Scan." The fingerprint images are used to automatically search against all
7 other fingerprint images in government criminal record databases, including databases maintained by
8 state law enforcement and the Federal Bureau of Investigation (FBI). The FBI's database includes
9 criminal record information from all 50 states, including sex offender registries. If a person has a
10 criminal history anywhere in the U.S., it will register as a match.

11 62. Fingerprints are not only a highly accurate way to confirm an individual's identity, they
12 are also universally used among state and federal government agencies. This allows for the highest
13 levels of information-sharing among all relevant agencies, an element that is lacking when fingerprints
14 are not used to verify identities.

15 63. Because of the unique identifying characteristics of fingerprints, the Live Scan process
16 provides assurance that the person whose criminal history has been run is, in fact, the applicant. This
17 would ensure that a convicted rapist or sexual predator could not use a false identification to become a
18 LYFT driver.

19 64. Name-based background checks, on the other hand, are limited and not easily shared
20 among the appropriate authorities. These name-based criminal background checks are performed on
21 publicly available databases and records from county courthouses, which are not linked to each other
22 and typically do not go back past seven years. Because the FBI database is not accessed, there is no
23 true national search performed, making these searches incomplete, limited and inaccurate.

24 65. Name-based background checks present systematic, fundamental problems. First, there
25 is no way to positively identify a person via a biometric indicator, increasing the likelihood of fraud.
26 Likewise, because names, addresses and birthdays are not unique, the likelihood of false positives (a
27 person linked in error with another's record) and false negatives (someone getting cleared when they
28 should not) are greatly increased. For example, if an individual changes names, or for some other

1 reason has a criminal history under a different name, the name-based checks can miss the individual's
2 criminal history.

3 66. LYFT has refused to adopt fingerprint-based biometric checks and has in fact spent
4 millions of dollars lobbying against local regulations requiring these checks.

5 67. Despite advertising to passengers that "Your safety is important" and "Safety is our top
6 priority," LYFT's background check process is designed for speed, not safety. In refusing to adopt
7 reasonable safety procedures, LYFT makes clear that its priority is profit, not passenger safety.

8 68. By failing to take reasonable steps to confront the problem of multiple rapes and sexual
9 assaults of LYFT passengers by LYFT drivers, LYFT has acted in conscious disregard of the safety of
10 its passengers, including plaintiffs, and has breached its duty of reasonable care and has breached the
11 implied and express covenants arising from its contract with its passengers.

12 69. LYFT is legally responsible for the harm to plaintiffs under a number of legal theories
13 including vicarious liability for the intentional acts of its employees (battery and assault) basic
14 negligence for failing to act with reasonable care when faced with multiple and ongoing attacks by its
15 drivers, breach of the non-delegable duty of a transportation company to provide safe passage to its
16 passengers, punitive damages for the conscious disregard of the safety of its female passengers,
17 intentional and negligent misrepresentations and breaches of contract, and express and implied
18 covenants arising out of its commercial contracts with its passengers, including plaintiffs.

19 70. LYFT has embraced wide ranging policies and procedures that seek to silence victims
20 that have been sexually assaulted by their drivers.

21 **MADATORY REPORTING OF SEXUAL ASSAULT**

22 71. The benefits, reasoning and rationale for mandatory reporting of sexual assault is
23 undisputed and well documented. One of the most obvious reasons for the policy of mandatory
24 reporting of sexual assault is stopping sexual assault and preventing future sexual assault and the lives
25 that can be destroyed by sexual assault. A policy of mandatory reporting helps stop the predators that
26 commit sexual assault. Despite the knowledge that adopting a policy of mandatory reporting will help
27 prevent future assaults and increase passenger safety, LYFT has adopted a policy that is the opposite of
28 mandatory reporting. LYFT does not report allegations of rape and brutal sexual assault to the police.

1 Instead, LYFT makes every effort to hide and conceal these sexual assault reports from law
2 enforcement, the public, media and our courts.

3 72. LYFT understands that their drivers often drive for UBER and other ridesharing
4 companies. Lyft also understands that sexual predators are likely to continue committing sexual
5 assault. Despite the knowledge of the benefits of reporting sexual assailants, LYFT does not report
6 sexual assaults and rapes to law enforcement and does not share information regarding sexual assaults
7 and rapes with other ridesharing companies despite the knowledge that these drivers are employed by
8 other ridesharing companies. LYFT knowingly chooses to hide and conceal the identities of the drivers
9 that rape and sexually assault LYFT passengers.

10 73. Any ridesharing company such as LYFT that is concerned about public safety and has
11 more sexual assaults than almost any other company in US history would adopt a zero-tolerance policy
12 and have mandatory reporting of sexual assaults to law enforcement and other ride sharing companies.
13 Instead, LYFT management and ownership has chosen to sacrifice the lives of sexual assault victims in
14 the hope of deriving additional profits.

15 **STONEWALLING LAW ENFORCEMENT**

16 74. LYFT's attempts to conceal the problem of the sexual assault crisis is not limited to the
17 public and media. This effort to conceal from the public extends to LYFT's lack of cooperation with
18 law enforcement detectives that investigate these cases. LYFT has no policy to report crimes of rape
19 and other sexual assaults to law enforcement after those crimes are reported to them. Additionally,
20 LYFT has failed to provide records and documentation regarding sexual predators that have committed
21 multiple assaults that are critical for law enforcement investigations. The net effect of LYFT's attempts
22 to protect and conceal the reports of sexual predators from law enforcement is that dangerous sexual
23 predators continue to rape, sexually assault and ruin lives.

24 75. A responsible and reasonable company that is concerned about public safety cooperates
25 with law enforcement and shares the public's interest in stopping sexual predators. LYFT has chosen
26 another path. Lyft delays and restricts their correspondence with police until a court order/search
27 warrant is authorized. In many cases, LYFT requires a subpoena or formal legal order to provide
28 information police may need for an investigation. Many of the assault victims in this complaint have

1 been told by the detectives handling their case that LYFT's Trust and Safety team are often
2 unresponsive to the detective's requests.

3 76. LYFT often erases the victim's complaint from their App and does not send them a
4 copy of what they sent to LYFT regarding the assault. In these cases, the victim has no way to access
5 or retrieve their original complaint about the accused perpetrator which delays the police investigation.

6 77. After a victim has reported a rape or sexual assault, LYFT often disables the victim's
7 account. This restriction prohibits the victim from accessing key information about their perpetrator
8 including the name, photo, make and model of car, etc. which is needed for law enforcement
9 investigation. This furthers hampers law enforcement investigation.

10 78. LYFT does not provide the assaulted passenger with the driver's license plate number
11 which makes it difficult for law enforcement to identify the subject. Also, after the LYFT ride is
12 completed, the trip receipt does not list the license plate number or the make/model of the car. It only
13 has the drivers first name and photo, again making it hard for the police to identify LYFT's drivers.

14 79. LYFT is fully aware of the facts regarding their stonewalling and hampering law
15 enforcement investigations as described above. LYFT knowingly protects the sexual predators that
16 drive for them.

LYFT POLICY TO SILENCE VICTIMS

18 80. Many people that are sexually assaulted do not report the incident because of the stigma
19 attached to sexual assault. Only a minority of courageous people that are sexually assaulted come
20 forward to report the assault. It is well known that sexual assault victims suffer tremendous mental and
21 psychological trauma as a result of being victimized by sexual assault. For this reason, any responsible
22 organization, corporation or entity that takes calls from sexual assault victims should have trauma
23 informed and trained persons in sexual trauma to handle those calls.

24 81. Despite the hundreds and thousands of calls reporting sexual assault to their company,
25 LYFT has untrained operators acting as first responders that take the calls from traumatized sexual
26 assault survivors. These untrained operators have no concept or understanding of how to communicate
27 with a sexual assault survivor. Oftentimes sexual assault victims get automated and recorded messages.
28 All of the above is part of LYFT's effort to silence victims.

1 82. In addition to the above allegations, Lyft incorporates other methods to silence victims
2 that come forward to report sexual assault by their drivers. Oftentimes when a victim comes forward
3 and reports a sexual assault or rape, LYFT responds by turning of the victims LYFT App.

4 83. When a victim has the courage to come forward to report the assault, LYFT does not
5 tell the victim to the report the incident to the police or other law enforcement. Rather, Lyft tells the
6 sexual assault victim that they will investigate the incident and get back to them. Unfortunately, LYFT
7 does not get back to the victim despite their promise to do so. The victim never hears from LYFT
8 about the incident again.

9 84. LYFT often erases the victim's complaint from their App. LYFT employs all of the
10 above policies to silence victims.

THE ATTACKS UPON PLAINTIFFS

JANE ROE 1

13 85. On October 28, 2018, plaintiff JANE ROE 1 used the ridesharing service offered by
14 defendant LYFT and DOES 1 through 100. After JANE ROE 1 used the LYFT App to summon a
15 driver, a LYFT driver named Abraham Nadoff picked up plaintiff JANE ROE 1 within Los Angeles,
16 California. While in route to JANE ROE 1's destination, plaintiff JANE ROE 1 was sexually assaulted
17 by the above-named LYFT driver who had responded to her request made through the LYFT App.

18 86. JANE ROE 1 called for a LYFT to pick her up following a Halloween party in the Los
19 Angeles area. Shortly after getting into the car, she heard the car doors lock, the driver turned around
20 and said, "I love you." He terminated the ride on the App over a mile from her home and continued to
21 drive while she was locked in the car. He took her phone. He was smoking drugs as he expounded
22 about prior sexual assaults that he had done to others. He pulled over, climbed in the back seat and
23 grabbed her face to forcefully kiss her, at which time she slapped him, breaking a finger; then
24 eventually driving her to a beach - where he raped her. The LYFT driver told her over and again that
25 he loved her and was going to take her "someplace they could be together forever." At this point
26 JANE ROE 1 thought she was going to be killed. After much promising and pleading with her
27 assailant he eventually took her home - almost five hours after she got in his car.

28 87. JANE ROE 1 made a police report and underwent a sexual assault forensic exam the

1 next day. The police reported the incident to LYFT on the behalf of JANE ROE 1. Despite this,
2 Abraham Nadoff continued to drive for LYFT after the rape. After the rape was reported, he fled to
3 Texas. Months later, after multiple attempts to contact him in California, the police flew to Texas to
4 interview him. The police determined that his DNA matched the DNA found in the SART exam.

5 88. Incredibly, even with a positive DNA match after reporting this crime, the police told
6 her that it was her word against the driver, and they had no evidence of what occurred in the car or if it
7 was consensual. If LYFT had undertaken simple and basic changes to the App, the driver would not
8 have been able to take a five-hour detour from the original ride. If LYFT required cameras or other
9 recording through the App, or had a tracking device on the App alerting someone when the driver
10 turned off the ride before reaching a rider's destination, this would not have happened. If LYFT made
11 a few simple changes to the App, this rapist would not be free to drive others.

12 89. If LYFT had a drug testing policy for every employee accused of a serious crime, at a
13 minimum, Abraham Nadoff would have received a DUI and he would not be able to drive for LYFT.
14 As far as she knows he is still driving for LYFT somewhere.

15 90. LYFT never informed JANE ROE 1 whether this driver continues to drive for LYFT.
16 This rapist may still be driving for LYFT.

17 91. JANE ROE 1 suffers from extreme PTSD, can no longer work, requires surgery on her
18 hand, and has attempted suicide twice since the incident. Plaintiff JANE ROE 1's injuries required
19 medical treatment and will require medical treatment in the future. Plaintiff JANE ROE 1 does not yet
20 know the reasonable value of the past or future medical and incidental expenses but will prove the
21 value of such losses at the time of trial.

22 **JANE ROE 2**

23 92. On May 6, 2018, plaintiff JANE ROE 2 used the ridesharing service offered by
24 defendant LYFT and DOES 1 through 100. After JANE ROE 2 used the LYFT App to summon a
25 driver, a LYFT driver named Filipo Peter Strickland picked up plaintiff JANE ROE 2 and while within
26 Cypress, California and in route to JANE ROE 2's destination, plaintiff JANE ROE 2 was sexually
27 assaulted by the above-named LYFT driver who had responded to her request made through the LYFT
28 App.

1 93. JANE ROE 2 was out with coworkers on Cinco de Mayo in Cypress, CA. She had too
2 much to drink and called a LYFT at 12:49 a.m. The LYFT trip receipt shows Filipo Peter Strickland
3 stopped at her house at 1:12 a.m. She passed out on the way home and woke up in the back of the car.
4 The LYFT driver was beside her, and her pants were pulled down. She pulled them up and ran inside.
5 It was 2:00 a.m. when she got into her house and noted she had been out in his car for over 45 minutes.

6 94. The next day JANE ROE 2 told a co-worker what happened. He took her to the police
7 station to make a report. She was taken to the hospital for a SART Exam. JANE ROE 2 reported the
8 rape to LYFT via the app. LYFT has only responded once with a voicemail.

9 95. Filipo Peter Strickland was charged with rape of an unconscious person and is currently
10 out of jail on bond.

11 96. LYFT never informed JANE ROE 2 whether this driver continues to drive for LYFT.
12 This sexual predator may still be driving for LYFT.

13 97. Plaintiff JANE ROE 2's injuries required medical treatment and will require medical
14 treatment in the future. Plaintiff JANE ROE 2 does not yet know the reasonable value of the past or
15 future medical and incidental expenses but will prove the value of such losses at the time of trial.

16 **JANE ROE 3**

17 98. On December 30, 2018, plaintiff JANE ROE 3 used the ridesharing service offered by
18 defendant LYFT and DOES 1 through 100. After JANE ROE 3 used the LYFT App to summon a
19 driver, a LYFT driver named Jorge, last name unknown but to be alleged after discovery in this
20 litigation, picked up plaintiff JANE ROE 3 and while within West Hollywood, California and in route
21 to JANE ROE 3's destination, plaintiff JANE ROE 3 was sexually assaulted by the LYFT driver
22 (Jorge) who had responded to her request made through the LYFT App.

23 99. JANE ROE 3 awoke in the backseat of the LYFT ride with the driver pressed up against
24 her and her pants unzipped. The trip receipt shows that the ride went off route, took twice as long as it
25 should have, and instead of being dropped off at home, she was left on the side of the road at 3:00 a.m.

26 100. JANE ROE 3 reported to LYFT in-app via the "something happened in my ride"
27 feature. LYFT first called plaintiff to ask what happened, and then another LYFT representative
28 called. Plaintiff left several voicemails for the LYFT reps. A LYFT rep followed up via email then

1 called to finally speak with her. During this phone conversation, LYFT never said that the driver was
2 terminated or suspended; the rep said that they "took appropriate action" and "will make sure [she]
3 never gets paired with the driver again". This was the last time that LYFT contacted her. LYFT never
4 informed JANE ROE 3 whether this driver continues to drive for LYFT. This sexual predator may still
5 be driving for LYFT.

6 101. Plaintiff JANE ROE 3's injuries required medical treatment and will require medical
7 treatment in the future. Plaintiff JANE ROE 3 does not yet know the reasonable value of the past or
8 future medical and incidental expenses but will prove the value of such losses at the time of trial.

9 **JANE ROE 4**

10 102. On March 14, 2019, plaintiff JANE ROE 4 used the ridesharing service offered by
11 defendant LYFT and DOES 1 through 100. After JANE ROE 4 used the LYFT App to summon a
12 driver, a LYFT driver named Robert, last name unknown but to be alleged after discovery in this
13 litigation, picked up plaintiff JANE ROE 4 and while within Charleston, South Carolina and in route to
14 JANE ROE 4's destination, plaintiff JANE ROE 4 was sexually assaulted by the LYFT driver (Robert)
15 who had responded to her request made through the LYFT App.

16 103. LYFT's driver (Robert) asked her to pay for the ride in money and sexual favors, stating
17 "gratuity is for pocket and yummy is for me." While driving he groped plaintiff while continuing his
18 inappropriate dialogue. Plaintiff jumped out of the car before the ride ended.

19 104. JANE ROE 4 reported the sexual assault to LYFT by phone, describing the incident,
20 and stating that it was unsafe for him to continue to drive for LYFT. She told LYFT she had his name
21 and picture from the trip receipt.

22 105. LYFT responded by saying they would need to investigate the driver first. LYFT did
23 not tell her if they would remove or restrict him from the platform. Plaintiff later made a report to the
24 police when LYFT took no action. LYFT has not yet contacted plaintiff with the result of their
25 internal investigation. LYFT never informed JANE ROE 4 whether this driver continues to drive for
26 LYFT. This sexual predator may still be driving for LYFT.

27 106. Plaintiff JANE ROE 4's injuries required medical treatment and will require medical
28 treatment in the future. Plaintiff JANE ROE 4 does not yet know the reasonable value of the past or

1 future medical and incidental expenses but will prove the value of such losses at the time of trial.

2 **JANE ROE 5**

3 107. On May 29, 2019, plaintiff JANE ROE 5 used the ridesharing service offered by
4 defendant LYFT and DOES 1 through 100. After JANE ROE 5 used the LYFT App to summon a
5 driver, a LYFT driver named Sam, last name unknown but to be alleged after discovery in this
6 litigation, picked up plaintiff JANE ROE 5 and while within Charlotte, North Carolina and in route to
7 JANE ROE 5's destination, plaintiff JANE ROE 5 was sexually assaulted by the above-named LYFT
8 driver who had responded to her request made through the LYFT App.

9 108. JANE ROE 5 was intoxicated at the time of the incident and that is the reason she called
10 a LYFT. The LYFT driver (Sam) followed her into her hotel room, raped her and stole all her
11 belongings. Sam logged into plaintiff's account and added a \$25 tip after he raped her. Plaintiff
12 suspects that Sam deactivated or deleted her account because plaintiff wasn't able to log in once she
13 got a new phone. JANE ROE 5, only 23 years old, had just moved to a new city and was about to start
14 a new life and career. Everything has since fallen apart. The case against Sam is currently under
15 investigation by the police.

16 109. JANE ROE 5 and her friend reported to LYFT by contacting their Trust & Safety Team
17 via phone call and also by email. LYFT was unresponsive to plaintiff's emails. Because her account
18 was hacked, LYFT said that her email address did not match any account that they had in the system.
19 LYFT said they could not re-activate her account. After several attempts, they finally reactivated her
20 account, but never provided any followup regarding her reported rape. Police have attempted to contact
21 LYFT but haven't been able to reach "Gavin" (lead LYFT T&S Rep on plaintiff's case). LYFT never
22 informed JANE ROE 3 whether this driver continues to drive for LYFT. This rapist may still be
23 driving for LYFT. The police are currently working on obtaining a court order/search warrant to
24 LYFT to obtain the driver information.

25 110. Plaintiff JANE ROE 5's injuries required medical treatment and will require medical
26 treatment in the future. Plaintiff JANE ROE 5 does not yet know the reasonable value of the past or
27 future medical and incidental expenses but will prove the value of such losses at the time of trial.

1 Plaintiff has sought therapy as a result of this incident and is now suicidal and completely unraveled
2 from the rape.

3 **JANE ROE 6**

4 111. On June 9, 2019, plaintiff JANE ROE 6 used the ridesharing service offered by
5 defendant LYFT and DOES 1 through 100. After JANE ROE 6 used the LYFT App to summon a
6 driver, a LYFT driver named Rizaldy, last name unknown but to be alleged after discovery in this
7 litigation, picked up plaintiff JANE ROE 6 and while within Las Vegas, Nevada and in route to JANE
8 ROE 6's destination, plaintiff JANE ROE 6 was sexually assaulted by the above-named LYFT driver
9 who had responded to her request made through the LYFT App.

10 112. After plaintiff fell asleep in the back of Rizaldy's vehicle, he got into the back seat and
11 began sexually assaulting her. She stopped the assault when she woke up. LYFT's driver (Rizaldy)
12 tried to assault plaintiff again. He took plaintiff to her house and then insisted he needed to urinate and
13 followed her to the door. Rizaldy made several attempts to enter the house with her, but she refused
14 and stayed on the porch.

15 113. Plaintiff reported the sexual assault to LYFT via their App and has received no further
16 response from LYFT. LYFT never informed JANE ROE 6 whether this driver continues to drive for
17 LYFT. This sexual predator may still be driving for LYFT.

18 114. Plaintiff JANE ROE 6's feared for her life and suffered injuries required medical
19 treatment and will require medical treatment in the future. Plaintiff JANE ROE 6 does not yet know
20 the reasonable value of the past or future medical and incidental expenses but will prove the value of
21 such losses at the time of trial.

22 **JANE ROE 7**

23 115. On December 7, 2018, plaintiff JANE ROE 7 used the ridesharing service offered by
24 defendant LYFT and DOES 1 through 100. After JANE ROE 7 used the LYFT App to summon a
25 driver, a LYFT driver named Nazim Ali Mavlod picked up plaintiff JANE ROE 7 and while within
26 Salt Lake City, Utah and in route to JANE ROE 7's destination, plaintiff JANE ROE 7 was sexually
27 assaulted by the above-named LYFT driver who had responded to her request made through the LYFT
28 App.

1 116. JANE ROE 7 was intoxicated while scootering home when LYFT's driver Nazim Ali
2 Mavlod pulled over and coerced plaintiff into his car. She requested the ride via LYFT App while in
3 vehicle. The LYFT driver made sexual innuendos then sexually assaulted plaintiff during the route.

4 117. JANE ROE 7 reported to LYFT in-app via 'passenger help bot' feature. LYFT
5 responded with an automated email stating someone will reach out once they "start the review
6 process." Afterward, plaintiff received a voicemail and email from a LYFT Trust & Safety
7 representative. Plaintiff returned the call, but no one answered. After plaintiff reported the sexual
8 assault to the police, she emailed the representative to let them know she filed a report and indicated
9 she's available if LYFT needed anything from her. The LYFT representative thanked her and never
10 contacted plaintiff again.

11 118. A police report was filed and the driver was charged with a Class B misdemeanor for
12 battery. Two weeks after plaintiff filed the police report and reported the sexual assault to LYFT
13 (December 2018), the police detective informed plaintiff that LYFT confirmed Nazim Ali Mavlod was
14 still driving, stating that they [LYFT] keep driving until they are convicted. Four months later the
15 driver was convicted of battery and pled guilty. Five months after that, plaintiff emailed LYFT and
16 asked if he was still driving; LYFT replied that they couldn't confirm Nazim Ali Mavlod's status. It is
17 possible that Nazim Ali Mavlod is still driving for LYFT.

18 119. Plaintiff JANE ROE 7's injuries required medical treatment and will require medical
19 treatment in the future. Plaintiff JANE ROE 7 does not yet know the reasonable value of the past or
20 future medical and incidental expenses but will prove the value of such losses at the time of trial.

21 **JANE ROE 8**

22 120. On May 15, 2018, plaintiff JANE ROE 8 used the ridesharing service offered by
23 defendant LYFT and DOES 1 through 100. After JANE ROE 8 used the LYFT App to summon a
24 driver, a LYFT driver named Arturo, last name unknown but to be alleged after discovery in this
25 litigation, picked up plaintiff JANE ROE 8 and while within Jacksonville, North Carolina and in route
26 to JANE ROE 8's destination, plaintiff JANE ROE 8 was sexually assaulted by the above-named
27 LYFT driver who had responded to her request made through the LYFT App.

28 121. JANE ROE 8 was groped and touched by LYFT driver (Arturo) while on her way home

1 from a club in Jacksonville, North Carolina.

2 122. Plaintiff immediately reported the sexual assault to LYFT, who informed plaintiff the
3 driver would be deactivated. Thereafter, JANE ROE 8 acquired a new phone and her LYFT app was
4 deleted. Plaintiff asked LYFT to send her a copy of the trip receipt. When plaintiff received it, she
5 noted his picture had been updated on the App, leading her to believe Arturo continues to drive for
6 LYFT.

7 123. Plaintiff JANE ROE 8's injuries required medical treatment and will require medical
8 treatment in the future. Plaintiff JANE ROE 8 does not yet know the reasonable value of the past or
9 future medical and incidental expenses but will prove the value of such losses at the time of trial.

10 **JANE ROE 9**

11 124. On March 4, 2018, plaintiff JANE ROE 9 used the ridesharing service offered by
12 defendant LYFT and DOES 1 through 100. After JANE ROE 9 used the LYFT App to summon a
13 driver, a LYFT driver named Igor T. Dias picked up plaintiff JANE ROE 9 and while within
14 Marlborough, Massachusetts and in route to JANE ROE 9's destination, plaintiff JANE ROE 9 was
15 sexually assaulted by the above-named LYFT driver who had responded to her request made through
16 the LYFT App.

17 125. JANE ROE 9 called for a LYFT ride home after a night out with friends in
18 Marlborough, Massachusetts, believing LYFT was a safer alternative than Uber. When the LYFT
19 driver arrived at plaintiff's home, he jumped to help her up the stairs when she stumbled. The driver's
20 behavior quickly changed once inside plaintiff's house. He raped her in her house.

21 126. JANE ROE 9 reported the rape to police and they told her they would make a report to
22 LYFT. Some weeks later she checked Igor T. Dias's profile on the LYFT App and noted he was still
23 driving for LYFT.

24 127. Plaintiff is informed and believes that the criminal case is currently pending a Grand
25 Jury Hearing. LYFT never informed JANE ROE 9 whether this driver continues to drive for LYFT.
26 This sexual predator may still be driving for LYFT.

27 128. Plaintiff JANE ROE 9 suffers from PTSD and requires extensive therapy and medical
28 treatment in the future. Plaintiff JANE ROE 9 does not yet know the reasonable value of the past or

1 future medical and incidental expenses but will prove the value of such losses at the time of trial.

2 **JANE ROE 10**

3 129. On January 3, 2018, plaintiff JANE ROE 10 used the ridesharing service offered by
4 defendant LYFT and DOES 1 through 100. After JANE ROE 10 used the LYFT App to summon a
5 driver, a LYFT driver named Christopher, last name unknown but to be alleged after discovery in this
6 litigation, picked up plaintiff JANE ROE 10 and while within Tuscaloosa, Alabama and in route to
7 JANE ROE 10's destination, plaintiff JANE ROE 10 was sexually assaulted by the LYFT driver
8 (Christopher) who had responded to her request made through the LYFT App.

9 130. JANE ROE 10 is blind. She previously relied on LYFT for her transportation. In the
10 middle of the day, she took a LYFT to the grocery store, a three-minute ride from her house. The
11 driver parked and went into the store with plaintiff (because she's blind) even though she told him it
12 wasn't necessary. LYFT's driver (Christopher) said he could give her a free ride home off-App, which
13 he did, then forced himself into her home. Once in her home, she heard him walk in all of the rooms.
14 She had a bad feeling that he was checking to see if anyone else was home. She asked him to leave but
15 he took here cane from her and hide it. He then raped her. JANE ROE 10 thought that she was going to
16 be killed.

17 131. JANE ROE 10 reported the rape to LYFT in-App via the "something happened in my
18 ride" feature and she called the emergency help line.

19 132. LYFT called back and sent an email one week later. The email stated they do not
20 condone this driver's behavior and that it's against their Terms of Service, that her concerns have been
21 investigated, and that they "followed up with this driver to take the appropriate and necessary actions."
22 The emailed ended with "Lyft is happy to cooperate with any information police may need, as long as
23 they can provide a subpoena or formal legal order." LYFT never followed-up further.

24 133. The detectives closed the criminal investigation informing plaintiff that Christopher
25 would not be prosecuted because they had no evidence that the incident was not consensual. If LYFT
26 had made a few basic changes to the App, the police would have the evidence that this incident was not
27 consensual.

28 134. LYFT never informed JANE ROE 10 whether this driver continues to drive for LYFT.

1 This rapist may still be driving for LYFT.

2 135. Plaintiff JANE ROE 10's injuries required medical treatment and will require medical
3 treatment in the future. Plaintiff JANE ROE 10 does not yet know the reasonable value of the past or
4 future medical and incidental expenses but will prove the value of such losses at the time of trial.

5

6 **JANE ROE 11**

7 136. On November 25, 2018, plaintiff JANE ROE 11 used the ridesharing service offered by
8 defendant LYFT and DOES 1 through 100. After JANE ROE 11 used the LYFT App to summon a
9 driver, a LYFT driver named Eddy, last name unknown but to be alleged after discovery in this
10 litigation, picked up plaintiff JANE ROE 11 and while within San Francisco, California and in route to
11 JANE ROE 11's destination, plaintiff JANE ROE 11 was sexually assaulted by LYFT's driver (Eddy)
12 who had responded to her request made through the LYFT App.

13 137. JANE ROE 11 and her friend got into a LYFT after a night out in San Francisco
14 California. Plaintiff was in the backseat wearing a skirt. It was a long ride from San Francisco to Palo
15 Alto - the ride cost \$70. JANE ROE 11 was awakened when she felt something between her legs. Eddy
16 had reached into back seat while driving 70 MPH southbound on US 101 and stuck his fingers in her
17 vagina. Plaintiff yelled at him, waking her friend. At first Eddy denied what he was doing. Her quick-
18 thinking friend turned on her phone to record the conversation. Then the driver apologized for what he
19 had done, and it was recorded. The ladies immediately reported the sexual assault to the police (CHP),
20 and Eddy was arrested shortly thereafter. A sexual assault forensic examination was conducted four
21 days after the sexual assault. LYFT's driver Eddy pled no contest to sexual battery. The plea deal he
22 agreed to came with a sentence of one year in County Jail, and three years of sex offender supervised
23 probation.

24 138. LYFT refunded the cost of plaintiff's ride. JANE ROE 11 knows that it was the
25 recording of the driver's confession that allowed him to be prosecuted. She firmly believes that if
26 LYFT had had a video camera or recording device in the vehicle, that this would not have happened to
27 her.

28 139. Plaintiff JANE ROE 11's injuries required medical treatment and will require medical

1 treatment in the future. Plaintiff JANE ROE 11 does not yet know the reasonable value of the past or
2 future medical and incidental expenses but will prove the value of such losses at the time of trial.

3 **JANE ROE 12**

4 140. On February 3, 2018, plaintiff JANE ROE 12 used the ridesharing service offered by
5 defendant LYFT and DOES 1 through 100. After JANE ROE 12 used the LYFT App to summon a
6 driver, a LYFT driver named Raul, last name unknown but to be alleged after discovery in this
7 litigation, picked up plaintiff JANE ROE 12 and while within Wilmington, North Carolina and in route
8 to JANE ROE 12's destination, plaintiff JANE ROE 12 was sexually assaulted by LYFT's driver
9 (Raul) who had responded to her request made through the LYFT App.

10 141. JANE ROE 12 reported the sexual assault to LYFT who did not provide plaintiff with
11 reporting options, instead asking her, "Are sure you didn't just misunderstand him?" Plaintiff was also
12 a LYFT driver and couldn't imagine them treating her this way.

13 142. LYFT's lack of belief in plaintiff's allegations effectively shut her down from further
14 reporting. JANE ROE 12 stopped driving for LYFT immediately.

15 143. LYFT never informed JANE ROE 12 whether this driver continues to drive for LYFT.
16 This sexual predator may still be driving for LYFT.

17 144. Plaintiff JANE ROE 12's injuries required medical treatment and will require medical
18 treatment in the future. Plaintiff JANE ROE 12 does not yet know the reasonable value of the past or
19 future medical and incidental expenses but will prove the value of such losses at the time of trial.

20 **JANE ROE 13**

21 145. On June 30, 2019, plaintiff JANE ROE 13 used the ridesharing service offered by
22 defendant LYFT and DOES 1 through 100. After JANE ROE 13 used the LYFT App to summon a
23 driver, a LYFT driver named Eduardo Barrios picked up plaintiff JANE ROE 13 and while within
24 Chicago, Illinois and in route to JANE ROE 13's destination, plaintiff JANE ROE 13 was sexually
25 assaulted by LYFT's driver, Eduardo Barrios who had responded to her request made through the
26 LYFT App.

27 146. JANE ROE 13 fell asleep in the LYFT ride after a night out celebrating with friends.
28 The driver had agreed to let her share the ride with her friend, JANE ROE 14, as long as he could "text

1 [himself] the address of JANE ROE 14." Plaintiff agreed and later discovered that Eduardo Barrios
2 had put her phone on 'Do Not Disturb' mode so that she would not receive calls or texts. When
3 Eduardo Barrios reached plaintiff's destination, he parked the car and got into the backseat and began
4 assaulting her. She repeatedly declined his touch and advances, but he forcefully walked JANE ROE
5 13 up to the front porch of her home. Eduardo Barrios then sexually assaulted her again. He forcefully
6 stuck his tongue in her mouth, rubbed her legs, and stuck his hands up her shorts touching her vagina
7 and trying to digitally penetrate plaintiff. JANE ROE 13 fought him off. JANE ROE 13 reported the
8 incident to police. A criminal investigation is ongoing.

9 147. JANE ROE 13 reported to LYFT by contacting their Trust & Safety Team via phone
10 call. Plaintiff reported the sexual assault on behalf of herself and her friend who was also assaulted. 4.
11 She also told LYFT about the property stolen from her friend (her cell phone). LYFT followed up via
12 email stating "I [Lyft] can definitely understand your concerns with this type of behavior" and that they
13 had followed up with the driver "in the appropriate manner, to ensure the safety of the platform."

14 148. This was the last time that LYFT contacted her. LYFT never informed JANE ROE 13
15 whether this driver continues to drive for LYFT. This sexual predator may still be driving for LYFT.

16 149. Plaintiff JANE ROE 13's injuries required medical treatment and will require medical
17 treatment in the future. Plaintiff JANE ROE 13 does not yet know the reasonable value of the past or
18 future medical and incidental expenses but will prove the value of such losses at the time of trial.

19 **JANE ROE 14**

20 150. On June 30, 2019, plaintiff JANE ROE 14 used the ridesharing service offered by
21 defendant LYFT and DOES 1 through 100. After JANE ROE 14 used the LYFT App to summon a
22 driver, a LYFT driver named Eduardo Barrios picked up plaintiff JANE ROE 14 and while within
23 Chicago, Illinois and en route to JANE ROE 14's destination, plaintiff JANE ROE 14 was sexually
24 assaulted by LYFT's driver (Eduardo Barrios) who had responded to her request made through the
25 LYFT App.

26 151. After Eduard Barrios dropped off JANE ROE 13, he drove JANE ROE 14 home. She
27 awoke in front of her house with the driver in the backseat with her. Eduard Barrios was kissing and
28 touching her neck and had his hands inside of her shorts touching her vagina and attempting to

1 digitally penetrate her. When she awoke to him doing this, she said, "Who the fuck are you?" And
2 Barrios said, "I'm your Lyft driver baby, you're at home." She got out of car and asked to look inside
3 the car for her phone, he said, "You didn't have a phone." She was confused and scared so she just
4 went inside her home. When she got home, she used her boyfriend's phone to call JANE ROE 13
5 whose phone kept going to voicemail. They later discovered that the driver had put JANE ROE 13's
6 phone on 'Do Not Disturb' mode so that calls would not go through, indicating premeditation on behalf
7 of the driver.

8 152. JANE ROE 13 reported the sexual assaults to LYFT by contacting their Trust & Safety
9 Team via phone call on behalf of herself and JANE ROE 14. LYFT never informed JANE ROE 14
10 whether this driver continues to drive for LYFT. This sexual predator may still be driving for LYFT.

11 153. Plaintiff JANE ROE 14's injuries required medical treatment and will require medical
12 treatment in the future. Plaintiff JANE ROE 14 does not yet know the reasonable value of the past or
13 future medical and incidental expenses but will prove the value of such losses at the time of trial.

14 154. Reference in this complaint to LYFT drivers collectively shall be "LYFT DRIVERS"
15 and any further plaintiffs who may hereafter be joined as additional ROE plaintiffs will be designated
16 as "JANE ROE 15," "JANE ROE 16," and following. All of the above factual allegations against
17 LYFT shall apply to all such additional LYFT DRIVERS and all such JANE ROE plaintiffs. This mass
18 tort complaint alleges all causes of action against LYFT on account of its tortious acts against all
19 JANE ROE plaintiffs.

20 **FIRST CAUSE OF ACTION**

21 **STRICT PRODUCT LIABILITY BASED ON DESIGN DEFECT OF THE LYFT**
22 **RIDESHARING APP AND FAILURE OF THE LYFT APP TO MEET MINIMUM**
REASONABLE CONSUMER SAFETY EXPECTATIONS)

23 **(Alleged Against Defendant LYFT and DOES 1 through 100)**

24 155. Plaintiffs incorporate by reference all of the allegations in paragraphs 1 through 85 as
25 though fully stated in this cause of action.

26 156. Defendant LYFT manufactured and distributed the LYFT App.

27 157. In each case where a ROE plaintiff was sexually assaulted, the LYFT App did not
28 perform as safely as an ordinary consumer would have expected it to perform when used or misused in

1 an intended or reasonably foreseeable way, because the LYFT App falsely led the ROE plaintiff to
2 form a reasonable minimum safety expectation that was not met.

3 158. In each case where a ROE plaintiff was sexually assaulted, the ROE plaintiff was
4 harmed.

5 159. In each case where a ROE plaintiff was sexually assaulted, the LYFT App's failure to
6 communicate to the ROE plaintiff a true expectation of the lack of safety in use of the LYFT App was
7 a substantial factor in causing harm to the ROE plaintiff.

8 **SECOND CAUSE OF ACTION**

9 **STRICT PRODUCT LIABILITY BASED ON A FAILURE TO WARN OF THE RISKS**
10 **POSED BY THE LYFT RIDESHARING APP**

11 (Alleged Against Defendant LYFT and DOES 1 through 100)

12 160. Plaintiffs incorporate by reference all of the allegations in paragraphs 1 through 85 as
13 though fully stated in this cause of action.

14 161. Defendant LYFT manufactured and distributed the LYFT App.

15 162. The LYFT App presented potential risks of introducing each driver to a potential ROE
16 plaintiff victim who, because of the nature of the ridesharing arrangement created and facilitated by the
17 LYFT App, could neither escape from the driver's vehicle nor control the place where the driver would
18 take the potential ROE plaintiff victim, risks that were known or knowable at the time of manufacture
19 and distribution of the LYFT App.

20 163. The potential risks presented a substantial danger when the LYFT App was used or
21 misused in an intended or reasonably foreseeable way.

22 164. Ordinary consumers such as each of these ROE plaintiffs would not have recognized
23 the potential risks.

24 165. Defendant LYFT failed to adequately warn of the potential risks.

25 166. In each case where a ROE plaintiff was sexually assaulted, the ROE plaintiff was
26 harmed.

27 167. The lack of sufficient warnings was a substantial factor in causing the harm suffered by
28 each ROE plaintiff.

THIRD CAUSE OF ACTION

NEGLIGENT DESIGN DEFECT OF THE LYFT RIDESHARING APP

(Alleged Against Defendant LYFT and DOES 1 through 100)

168. Plaintiffs incorporate by reference all of the allegations in paragraphs 1 through 85 as though fully stated in this cause of action.

169. Defendant LYFT designed and manufactured the LYFT App.

170. Defendant LYFT owed to each ROE plaintiff a duty not to design, manufacture, or distribute the LYFT App, with its defective design and defective manufacture.

171. Defendant LYFT was negligent in designing and manufacturing the LYFT App.

172. In each case where a ROE plaintiff was sexually assaulted, the ROE plaintiff was harmed.

173. Defendant LYFT's negligence was a substantial factor in causing the harm suffered by each ROE plaintiff.

FOURTH CAUSE OF ACTION

NEGLIGENCE BASED ON FAILURE TO WARN OF THE DESIGN DEFECTS OF THE LYFT RIDESHARING APP

(Alleged Against Defendant LYFT and DOES 1 through 100)

174. Plaintiffs incorporate by reference all of the allegations in paragraphs 1 through 85 as though fully stated in this cause of action.

175. Each ROE plaintiff herein claims that defendant LYFT was negligent by not using reasonable care to warn about facts that made the LYFT App likely to be dangerous.

176 Defendant LYFT designed and manufactured the LYFT App

177. Defendant LYFT knew or reasonably should have known that the LYFT App was dangerous or likely to be dangerous when used or misused in a reasonably foreseeable manner.

178. Defendant LYFT knew or reasonably should have known that users such as each of these ROE plaintiffs would not realize the danger.

179 Defendant LYET failed to adequately warn of the danger

¹⁸⁰ A reasonable manufacturer and reasonable distributor under the same or similar

circumstances would have warned of the danger.

181. In each case where a ROE plaintiff was sexually assaulted, the ROE plaintiff was harmed.

182. Defendant LYFT's failure to warn was a substantial factor in causing the harm suffered by each ROE plaintiff.

FIFTH CAUSE OF ACTION

NEGLIGENCE BASED ON FAILURE TO RECALL OR RETROFIT THE LYFT RIDESHARING APP

(Alleged Against Defendant LYFT and DOES 1 through 100)

10 183. Plaintiffs incorporate by reference all of the allegations in paragraphs 1 through 73 as
11 though fully stated in this cause of action.

184. Defendant LYFT designed the LYFT App.

13 185. Defendant LYFT knew or reasonably should have known that the LYFT App was
14 dangerous or was likely to be dangerous when used in a reasonably foreseeable manner.

15 186. Defendant LYFT became aware of this defect after the LYFT App was designed,
16 manufactured, and distributed.

187. Defendant LYFT failed to recall or retrofit or warn of the danger of the LYFT App.

18 188. A reasonable manufacturer and distributor under the same or similar circumstances
19 would have recalled or retrofitted or both recalled and retrofitted the LYFT App.

20 189. In each case where a ROE plaintiff was sexually assaulted, the ROE plaintiff was
21 harmed.

22 190. Defendant LYFT's failure to recall or retrofit the LYFT App was a substantial factor in
23 causing the harm suffered by each ROE plaintiff.

SIXTH CAUSE OF ACTION

INTENTIONAL MISREPRESENTATIONS ABOUT THE LYFT RIDESHARING APP

(Alleged Against Defendant LYFT and DOES 1 through 100)

27 191. Plaintiffs incorporate by reference all of the allegations in paragraphs 1 through 85 as
28 though fully stated in this cause of action.

1 192. Defendant LYFT represented to each ROE plaintiff that it was true that the LYFT App
2 was safe to use and would provide a safe experience.

3 193. Defendant LYFT's representation was false.

4 194. Defendant LYFT knew that the representation was false when it made it or at a
5 minimum knew that it made the representation recklessly and without regard for its truth.

6 195. Defendant LYFT intended that each ROE plaintiff rely on the representation.

7 196. Each ROE plaintiff reasonably relied on defendant LYFT's representation.

8 197. In each case where a ROE plaintiff was sexually assaulted, the ROE plaintiff was
9 harmed.

10 198. In each case where a ROE plaintiff was sexually assaulted, the ROE plaintiff's reliance
11 on defendant LYFT's representation was a substantial factor in causing the harm suffered by each
12 ROE plaintiff.

SEVENTH CAUSE OF ACTION

CONCEALMENT OF THE RISKS INHERENT IN USE OF THE LYFT RIDESHARING APP

(Alleged Against Defendant LYFT and DOES 1 through 100)

16 199. Plaintiffs incorporate by reference all of the allegations in paragraphs 1 through 85 as
17 though fully stated in this cause of action.

18 200. Defendant LYFT intentionally failed to disclose to each ROE plaintiff the fact that the
19 LYFT App was defective in its design and manufacture, was not safe to use as defendant LYFT
20 otherwise represented, and posed risks and dangers of which defendant LYFT was aware at the time it
21 designed, manufactured, and distributed the LYFT App.

22 201. Defendant LYFT disclosed some facts to each ROE plaintiff, asserting that there
23 supposedly were safeguards in place, but intentionally failed to disclose other facts about the risks and
24 potential dangers, making the disclosures that defendant LYFT did make incomplete and deceptive.

25 202. Defendant LYFT intentionally failed to disclose certain facts about the risks and
26 potential dangers that were known only to it and that each ROE plaintiff could not have discovered in
27 the ordinary course of downloading and using the LYFT App.

28 203. Each ROE plaintiff did not know of the concealed facts.

204. Defendant LYFT intended to deceive each ROE plaintiff by concealing the facts.

205. Had the omitted information been disclosed, each ROE plaintiff reasonably would have behaved differently.

206. In each case where a ROE plaintiff was sexually assaulted, the ROE plaintiff was harmed.

207. Defendant LYFT's concealment was a substantial factor in causing the harm suffered by each ROE plaintiff.

EIGHTH CAUSE OF ACTION

NEGLIGENT MISREPRESENTATION ABOUT THE LYFT RIDESHARING APP

(Alleged Against Defendant LYFT and DOES 1 through 100)

208. Plaintiffs incorporate by reference all of the allegations in paragraphs 1 through 85 as though fully stated in this cause of action.

209. Defendant LYFT represented to each ROE plaintiff that it was true that the LYFT App would provide for a safe ridesharing experience.

210. Defendant LYFT's representation was not true.

211. Although defendant LYFT may have honestly believed that the representation was true, defendant LYFT had no reasonable grounds for believing the representation was true when it made it.

212. Defendant LYFT intended that each ROE plaintiff rely on this representation.

213. Each ROE plaintiff reasonably relied on defendant LYFT's representation.

214. In each case where a ROE plaintiff was sexually assaulted, the ROE plaintiff was harmed.

215. Each ROE plaintiff's reliance on defendant LYFT's representation was a substantial factor in causing the harm suffered by each ROE plaintiff.

NINTH CAUSE OF ACTION

NEGLIGENT HIRING, SUPERVISION, AND RETENTION

(Alleged Against Defendant LYFT and DOES 1 through 100)

216. Plaintiffs incorporate by reference all of the allegations in paragraphs 1 through 85 as though fully stated in this cause of action.

1 217. Defendant LYFT and DOES 1 through 100, inclusive hired each LYFT DRIVER.

2 218. LYFT's hiring of the LYFT DRIVERS was mostly automated, after each LYFT
3 DRIVER merely filled out some short forms online, uploaded photos of a driver license, vehicle
4 registration and proof of vehicle insurance.

5 219. At the time each LYFT DRIVER applied to drive for LYFT, LYFT was not performing
6 adequate background checks for its drivers. After minimal information was provided to LYFT, each
7 LYFT DRIVER was hired and engaged as a LYFT driver.

8 220. LYFT did not interview, check the references of, provide training to, or advise any
9 LYFT DRIVER of any anti-sexual assault policies when hiring him. LYFT had no reasonable basis for
10 believing that any LYFT DRIVER was fit to drive or interact with passengers, and LYFT failed to use
11 reasonable care in determining whether a LYFT DRIVER was fit for those tasks. LYFT should have
12 known of each LYFT DRIVER's unfitness but failed to use reasonable care to discover the DRIVER's
13 unfitness and incompetence.

14 221. Despite failing to reasonably endeavor to investigate each LYFT DRIVER's
15 competence to transport and interact with passengers in a moving vehicle, LYFT employed each LYFT
16 DRIVER.

17 222. LYFT knew or should have known that assigning to an inadequately screened driver the
18 task of transporting vulnerable customers late at night created an unreasonable risk of harm to LYFT's
19 passengers, including each plaintiff herein, particularly when LYFT had been on notice of the string of
20 sexual assaults committed by LYFT's drivers.

21 223. Each LYFT DRIVER was and/or became unfit to perform the work for which he was
22 HIRED as he improperly and illegally took advantage of LYFT's passengers, including each plaintiff
23 JANE ROE herein, when each attempted to use the service for a safe ride, sometimes after drinking,
24 thereby causing each JANE ROE plaintiff psychological and physical harm.

25 224. Because of each LYFT DRIVER's unfitness to perform the task of transporting each
26 plaintiff, each plaintiff was sexually harassed, assaulted and/or stalked, causing her to fear for her
27 personal safety.

28 225. LYFT and inclusively DOES 1 through 100's negligence in hiring, retaining, and or

1 supervising each LYFT DRIVER caused each plaintiff to be sexually harassed, assaulted and/or
2 stalked.

3 226. As a direct and legal result of LYFT's general negligence, each plaintiff JANE ROE
4 has suffered general non-economic damages according to proof.

5 **TENTH CAUSE OF ACTION**

6 **COMMON CARRIER NEGLIGENCE**

7 **(Alleged Against Defendant LYFT and DOES 1 through 100)**

8 227. Plaintiffs incorporate by reference all of the allegations in paragraphs 1 through 85 as
9 though fully stated in this cause of action.

10 228. LYFT provides prearranged transportation services for compensation using an online
11 enabled application or platform to connect passengers with drivers. Consequently, LYFT is a
12 Transportation Network Company as defined by California Public Utilities Code Section 5431c.

13 229. LYFT provides transportation through a digital application made available to the
14 general public for the purpose of transporting its users, the passengers, from place to place for profit.
15 LYFT has widely offered its services to the general public and charges standard fees for its services
16 through its application. LYFT does not allow discrimination against passengers on the basis of race,
17 color, national origin, religion, gender, gender identity, physical or mental disability, medical
18 condition, marital status, age, or sexual orientation. Any member of the public can use LYFT's
19 services for transportation.

20 230. As a common carrier, LYFT must carry its passengers, including plaintiffs, safely.

21 231. LYFT has a duty to employ the utmost degree of care and diligence that would be
22 expected of a very cautious company. LYFT has a duty to do all that human care, vigilance, and
23 foresight reasonably can do under the circumstances to avoid harm to passengers, including plaintiffs.

24 232. LYFT must use reasonable skill to provide everything necessary for safe transportation,
25 in view of the transportation used and the practical operation of the business.

26 233. Despite complaints to LYFT of sexual assaults committed by LYFT drivers and
27 lawsuits against LYFT for sexual assault, LYFT has failed to implement safety precautions that would
28 address the sexual assault problem.

1 234. LYFT does not provide a consistent and reliable way for passengers to report sexual
2 abuse and rape.

3 235. LYFT does not warn passengers of the dangers of riding with LYFT and fails to warn
4 passengers of past complaints regarding LYFT drivers.

5 236. LYFT does not have an effective program in place to deal with the sexual predator
6 crisis posed by some of its drivers.

7 237. LYFT knows that its female passengers are in a uniquely vulnerable situation enclosed
8 in a moving vehicle and that a subset of its drivers are sexual predators.

9 238. LYFT has not exercised reasonable care to protect its passengers from harassment,
10 assault, and rape by LYFT's drivers.

11 239. LYFT has not exercised the utmost degree of care in order to protect its passengers
12 from the danger posed by sexual predators who drive for LYFT. If LYFT had used the highest degree
13 of care, LYFT could have prevented or dramatically reduced the likelihood of the sexual assaults of its
14 passengers, including plaintiffs.

15 240. LYFT failed to safely transport plaintiffs JANE ROE 1 through JANE ROE 14 and
16 through to and including JANE ROE 1,000.

17 241. LYFT failed to use the utmost care and vigilance to protect all such plaintiffs from its
18 own LYFT DRIVERS who sexually harassed and assaulted in the course of transporting them to their
19 destinations.

20 242. LYFT failed to take reasonable precautions to protect its vulnerable female passengers,
21 including each JANE ROE plaintiff, from the foreseeable and known risk of sexual harassment and
22 sexual assault by its LYFT DRIVERS. If LYFT had used the highest degree of care, LYFT could have
23 prevented or reduced the likelihood of the sexual assaults of its passengers, including of the JANE
24 ROE plaintiffs.

25 243. As a legal and direct result of the aforementioned conduct and omissions of Defendants
26 LYFT and DOES 1 through 100, inclusive, plaintiffs were sexually harassed, assaulted and/or stalked,
27 causing each of them to fear for her personal safety.

28 244. As a direct and legal result of LYFT's negligence, each plaintiff has suffered damages,

1 both economic and general, non-economic damages according to proof.

2 **ELEVENTH CAUSE OF ACTION**

3 **VICARIOUS LIABILITY FOR THE TORTS OF LYFT'S DRIVERS**

4 **(Alleged Against Defendant LYFT and DOES 1 through 100)**

5 245. Plaintiffs incorporate by reference all of the allegations in paragraphs 1 through 85 as
6 though fully stated in this cause of action.

7 246. LYFT is vicariously liable for the torts of its drivers through the theories of *respondeat*
8 *superior*, nondelegable duties, agency, and ostensible agency. LYFT's liability for the acts of its
9 drivers is not contingent upon the classification of its drivers as employees.

10 247. Under the doctrine of *respondeat superior*, LYFT is responsible for the torts of its
11 employees committed within the scope of employment. The modern rationale for the theory is that an
12 employer who profits from an enterprise which, through the torts of its employees, causes harm to
13 others should bear the costs of the injury instead of the innocent injured plaintiff.

14 248. LYFT profits from transporting vulnerable passengers late at night. LYFT encourages
15 both sober and intoxicated passengers to use its services. At the same time, LYFT does not take
16 reasonable steps to protect its passengers or warn them of the dangers of riding with LYFT. LYFT, and
17 not the victims of LYFT's negligence, should bear the costs of injuries that result from torts such as
18 sexual assault, kidnapping and rape.

19 249. LYFT drivers are employees. LYFT reserves the right to control the activities of LYFT
20 DRIVERS. LYFT controls the prices charged to customers, controls contact with the customer base,
21 controls the ability of a driver to see where he will be driving before he accepts a ride, and reserves the
22 right to terminate drivers with or without cause.

23 250. LYFT drivers' acts of sexual harassment and sexual assault of each of the plaintiff
24 JANE ROEs occurred within the scope of employment and/or authority of each of the LYFT drivers.
25 The kidnapping, assault, rape and other forms of sexual conduct committed against each JANE ROE
26 plaintiff, whether sober or intoxicated, whether accompanied or unaccompanied, was committed
27 against a woman who had been placed in an improperly screened LYFT driver's car with little to no
28 supervision. Each such incident was incidental to and a foreseeable result of the act of transporting

1 customers.

2 251. LYFT may maintain that its drivers are contractors and not employees. Nevertheless,
3 whether the LYFT drivers are characterized as contractors, employees or agents, LYFT has a non-
4 delegable duty to connect customers with safe transportation.

5 252. The doctrine of nondelegable duty recognizes when one party owes a duty to another
6 which, for public policy reasons, cannot be delegated. It operates to ensure that when a harm occurs,
7 the injured party will be compensated by the party whose activity caused the harm and who may
8 therefore properly be held liable for the acts of his agent, whether the agent was an employee or an
9 independent contractor. The doctrine recognizes that an entity may not delegate its duties to a
10 contractor in order to evade its own responsibilities. This is especially so when allowing delegation
11 would incentivize the employers to hire incompetent contractors in order to further the employer's
12 pecuniary interests.

13 253. In advertising to customers that LYFT provides them a safe ride to their destinations
14 and by profiting off of women who use LYFT for that very purpose and are attacked, LYFT has a duty
15 to its customers that cannot be delegated. To allow LYFT to delegate the liability for the assaults by its
16 drivers to anyone else would encourage LYFT to continue to utilize the cheapest, fastest, and most
17 haphazard safety procedures. LYFT would be disincentivized from hiring only competent drivers,
18 since the more drivers LYFT has, the more money LYFT makes.

19 254. Further, LYFT drivers act as agents of and operate as extensions of LYFT. LYFT
20 drivers represent LYFT's business and further LYFT's pecuniary interests.

21 255. LYFT drivers display the LYFT logo when interacting with customers, and in many
22 cases LYFT drivers are the only people with whom LYFT's customers have direct contact. LYFT
23 drivers provide the service that LYFT claims to provide, namely, transportation.

24 256. By allowing LYFT drivers to represent LYFT's business, LYFT creates the impression
25 that its drivers, including the LYFT drivers involved as tortfeasors herein, were LYFT's employees
26 and/or agents.

27 257. Each JANE ROE plaintiff herein reasonably believed that her LYFT driver was an
28 employee or agent of LYFT, and, relying on this belief, each JANE ROE plaintiff hired each

1 respective LYFT driver and suffered harm as a result of her contact with each respective LYFT
2 DRIVER.

3 258. For these reasons and others, LYFT is vicariously liable for the tortious acts of its
4 drivers, regardless of whether LYFT's drivers are employees, agents, apparent agents, or contractors of
5 LYFT.

TWELFTH CAUSE OF ACTION

VICARIOUS LIABILITY FOR SEXUAL ASSAULT

(Alleged Against Defendant LYFT and DOES 1 through 100)

9 259. Plaintiffs incorporate by reference all of the allegations in paragraphs 1 through 85 as
10 though fully stated in this cause of action.

11 260. At the time of each assault alleged herein, each LYFT driver intended to cause harmful
12 and offensive contact with each respective JANE ROE plaintiff herein, and placed each respective
13 JANE ROE plaintiff in reasonable apprehension of imminent harmful and offensive contact.

14 261. Each respective LYFT driver committed these tortious and wrongful acts while acting
15 in the course and scope of his employment with LYFT as an employee/agent of LYFT. Therefore,
16 LYFT is liable for each LYFT driver's assault of each respective JANE ROE plaintiff and is
17 responsible for damages caused by said conduct under the principles of vicarious liability, including
18 the doctrine of *respondeat superior*. Even if any LYFT driver had not been an employee, LYFT's duty
19 to provide transportation free of assault is nondelegable and LYFT is liable for each LYFT driver's
20 actions, because to allow LYFT to delegate its duty of providing the safe transportation it promises
21 would incentivize LYFT to create a greater risk of harm to the public.

22 262. Under the theories of *respondeat superior*, nondelegable duty, agency, and ostensible
23 agency, LYFT is liable for the tortious acts of each LYFT driver.

24 263. As a direct and legal result of each LYFT driver's sexual assault upon each respective
25 JANE ROE plaintiff, each respective JANE ROE plaintiff has suffered economic and general, non-
26 economic damages according to proof.

27 //

28 //

THIRTEENTH CAUSE OF ACTION

INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS

(Alleged Against Defendant LYFT and DOES 1 through 100)

4 264. Plaintiffs incorporate by reference all of the allegations in paragraphs 1 through 85 as
5 though fully stated in this cause of action.

6 265. Defendant LYFT's conduct was outrageous.

7 266. Defendant LYFT intended to cause emotional distress to each ROE plaintiff or at a
8 minimum defendant LYFT acted with reckless disregard of the probability that each ROE plaintiff
9 would suffer emotional distress, knowing that each ROE plaintiff was or would be present when the
10 conduct precipitated by use of the LYFT App occurred.

11 267. Each ROE plaintiff suffered severe emotional distress.

12 268. Defendant LYFT's conduct was a substantial factor in causing the severe emotional
13 distress suffered by each ROE plaintiff.

FOURTEENTH CAUSE OF ACTION

GENERAL NEGLIGENCE

(Alleged Against Defendant LYFT and DOES 1 through 100)

17 269. Plaintiffs incorporate by reference all of the allegations in paragraphs 1 through 85 as
18 though fully stated in this cause of action.

19 270. Defendant LYFT owed to each JANE ROE plaintiff a duty to use ordinary care to
20 prevent injury to plaintiff as a result of the conduct and inaction of LYFT and the conduct and inaction
21 of each LYFT DRIVER.

22 271. In doing those things alleged herein above, defendant LYFT acted negligently,
23 carelessly and recklessly, resulting in serious injury to each individual JANE ROE plaintiff.

24 272. As a proximate result of the acts and failures to act of defendant LYFT, each plaintiff
25 was hurt and injured in her health, strength, and activity, sustaining injury to her nervous system and
26 person, all of which have caused, and continue to cause, each JANE ROE plaintiff great mental,
27 physical, and nervous pain and suffering.

28 273. Each JANE ROE plaintiff is informed and believes, and thereon alleges, that these

1 injuries will result in some permanent disability to her. As a result of these injuries, each JANE ROE
2 plaintiff has suffered general damages in an amount within the jurisdiction of this court.

3 274. As a proximate result of the acts and failures to act of defendant LYFT, each JANE
4 ROE plaintiff has incurred, and will continue to incur, medical and related expenses. The full amount
5 of these expenses is not known to any individual JANE ROE plaintiff at this time. Each JANE ROE
6 plaintiff will move to amend this complaint to state the amount when it becomes known to her, or on
7 proof thereof.

8 275. As a further legal result of the acts and failures to act of defendant LYFT, each JANE
9 ROE plaintiff was prevented from attending to her usual occupation and each JANE ROE plaintiff is
10 informed and believes that she will be prevented from attending to her usual occupation for a period of
11 time in the future. Further, each JANE ROE plaintiff is entitled to prejudgment interest on that amount
12 when determined.

RELIEF SOUGHT

14 Each ROE plaintiff seeks judgment against defendant LYFT and against DOES 1 through 100
15 as follows:

1. For special damages, including but not limited to, past and future medical expenses;
2. For general damages;
3. For pre-judgment interest, if warranted;
4. For costs incurred in this litigation;
5. For punitive damages; and
6. For all other relief that the court deems just and proper.

Dated: September 4, 2019

ESTEY & BOMBERGER, LLP

~~R. Michael Bomberger, Esq.
Attorney for All ROE Plaintiffs~~